Supreme Court, U.S.
FILED
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IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2005

MONICA A. VALLADARES, PRO SE

Petitioner,

v.

WAYNE J. DIEDE, CONSTRUCTION, A CALIFORNIA NEVADA CORPORATION, AND WASHINGTON MUTUAL BANK, CALIFORNIA RECONVEYANCE COMPANY, S/B/M N.A. MORTGAGE SERVICES, FORMERLY AMERICAN SAVINGS BANK, A CALIFORNIA CORPORATION, MEMBER OF FEDERAL DEPOSIT INSURANCE et al

Respondent(s)

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS FOR THE NINTH CIRCUIT

MONICA A. VALLADARES, PRO SE
P. O. Box 612523
San Jose, California 95161

QUESTION PRESENTED

Whether the Court of Appeals for the Ninth Circuit violated due process of law when it required a formal En Banc Review of all rulings executed by Judge OLIVER W. WANGER, and Court clerks, for abused of dis- and abuse of power for his refusal to recuse himself since July 23, 2003.

Furthermore, Judge WANGER and magistrate Judge SANDRA M. SNYDER, violated both Federal Rules of and Local Rules for the Eastern District of California and 28 U.S.C. 636(a), specially L.R. 73-305*a) 78-230(h) FRCP 16, 54, 55, 56, 38, 42, 77, and 79. Because THE FILER COPY TO NEW CIVIL ACTION CV-F-5613-WW-SMS- which issued on May 14, 2003, AND THE NOTICE IN ALL ACTIONS FILED IN DISTRICT COURT - CONSENT TO EXERCISE JURISDICTION BY A MAGISTRATE JUDGE AND ORDER OF REFERENCE, and FEDERAL COURT SCHEDULE AND DOCKET CIVIL SHEET IS TO BE QUESTIONABLE. 28 U.S.C. 1331, 455, 155, 1391 et seq. GOODYEAR v. ATOMIC CORP. 486 US 174, and under Supreme Rule 10 respectively.

DUE TO THE DISORDERLY PROCEDURE BY JUDGE WANGER DENIAL OF EQUAL ACCESS TO JUSTICE, AND EQUAL PROTECTION CLAUSE. (See Fed. APP RULE 34.4, THE ATTORNEYS SHOULD BE SANCTION UNDER FRCP 11, and UNDER 28 U.S.C. 1927. BECAUSE A MOTION TO DISMISS IS NOT DEFENDANTS RESPONSIVE PLEADING.

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1. THE DENIAL OF PETITIONER'S DEMAND FOR JURY TRIAL, FEDERAL JUDGES, CIRCUIT JUSTICES AND MAGISTRATE JUDGES HAVE BREACHED THEIR FIDUCIARY DUTY, AND GIVEN TOO MUCH AUTHORITY, AND POWER TO COURT CLERKS. ALSO, THERE WAS NO COURT REPORTER PRESENT ON AUGUST 5,

SEPTEMBER 18, 19, 22, OCTOBER 9, DECEMBER 3, 2003, AND JANUARY 16, MARCH 3, AND OCTOBER 25, 2005.

2. BECAUSE THE ISSUE ON APPEAL IS THAT JUDGE WANGER'S REFUSAL TO RECUSED HIMSELF AND ALLOWED AND AUTHORIZED JACK L. WANGER, GREG LUCAS, ALICE ALVAREZ, AND JENNIE VASQUEZ, TO EXPIDATE COURT PROCEEDINGS OUTSIDE THE COUR BENCH. ALSO, THE CIRCUIT JUSTICES OF THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT REFUSED TO THE ISSUE ON APPEAL IS THAT JUDGE WANGER REFUSAL TO RECUSED HIMSELF FROM THE ACTION NUNC PRO TUNC JULY 23, 2003.

LIST OF PARTIES

MONICA A. VALLADARES
P.O. Box 612523
San Jose, CA 95161

WAYNE J. DIEDE, CONSTRUCTION, a NEVADA CORPORATION
6455 Haight Road
Lodi, CA 95240

1780 North Highway 99
Lodie, CA 94240

WAYNE J. DIEDE
P.O. Box 1007
Woodridge, CA

WASHINGTON MUTUAL BANK, CALIFORNIA
RECONVEYANCE COMPANY, S/B/M/ N.A.
MORTGAGE SERVICES, Formerly
AMERICAN SAVINGS BANK,
DIME BANCORP EUROPEAN BANK &
CITIGROUP, and PROVIDIAN FINANCIAL
ALFRED R. BROOKS, Executive Vice President
KERRY KILLINGER, Chairman
LAWRENCE TOAI, Chairman and Chief,

ATTORNEY(S) Representing WASHINGTON MUTUAL BANK et al, are AMY LOUISE MORSE, LAWRENCE STEVENS, and BRUCE FLECHTER
9200 Oakdale Avenue, 7th Fl.
Mail Stop N110701
Chastworth, CA 91311

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MONICA A. VALLADARES, petition for a writ of certiorari to the United States Supreme Court for review of the Order and Judgment filed on July 15, 2005, and October 22, 2005, No. 04-17369, D.C. NO. Cv-F-3-5613-OWW-SMS Before, RAWLINSON, and BYBEE, Circuit Judges.

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JURISDICTION

The Court has jurisdiction of the subject matter under 28 U.S.C. 1331, federal question 28 U.S.C. 1342 Civil Rights jurisdiction; & under 28 U.S.C. 1367, 1651, 1653, and also ancillary; Supplemental jurisdiction over State Law Claims, because the claim assessed in it arises out of the United States Constitution and laws of the United States. Plaintiff seeks redress for violation of her Civil pursuant to 42 U.S.C. 1983 see 12 USC 2614, Plaintiff also seeks redress for violation of Automatic Stay under 11 USC 362(a)(e)(h), and via supplemental jurisdiction. Furthermore - this Court's jurisdiction to review the United States court of Appeals Order and Judgment entered by HOWARD HOM, on October 12, 2003, and the Order entered on July 15, 2003, by RAWLINSON and BYBEE, Circuit Judges, because the only issue on appeal is the DISQUALIFICATION of Judge OLIVER W. WANGER. Jurisdiction to grant the writ of certiorari and not to Dismiss the Appeal without an opportunity to be heard. Petitioner is conferred on this Court by the provision of Section 1651(a) Title 28 United States Code and Rule 20 of the Rules of the court and under the provision CCP 996.560, 917.4, 995.710 relating to the enforcement of Supersedeas Bond apply to a surety bond given under Fed. R.

App 23-4, CARR v. GRACE, 516 F. 2d 502. Thus, the surety submits to the jurisdiction of the District Court and the Surety Liability may be enforced on motion in the District court without the necessary to bring an independent action. Whereas an abuse of discretion because of dismissal for want of prosecuting and appeal and for failure to file a cost be entered on the motion of the appellee or on motion of the Court of Appeals. (See Appeal Certiorari and Review Chapter 3 Fed. Proc. Forms 3:62, at page 11. and reversed, stay Judgments, Memorandum and Order is sought for review under 28 U.S.C. 2101(f). Including the Docket Sheet of District Court and the Docket Sheet of the Court of Appeals from which appeal taken from the Lower Court under Fed. F. R. C. P. 37, 79. Federal Courts have original jurisdiction over all civil action under 28 U.S.C. 1332-1348, & 12 U.S.C. 86, 2011 1965, 2279aa-14. See BANKING/FINANCING P. 422-423. Venue under 28 U.S.C. 1655, FRCP 64, 65 HOME LOAN ACT OF 1933, as amended 12 U.S.C. 1464(q). 12 USC 1823, 1831 K.

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

This case involves the first section of the Fourteenth Amendment to the Constitution of the United States, which provides as follows: All persons born or naturalized in the United States, and subject to the Jurisdiction of the United States, are citizens of the United States and of the State where they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person life, liberty, or property, without due process of law, nor deny to any person